



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 2162 OF 2021
IN FAST/19533/2020**

YADAV JAGANNATH DHATBALE AND OTHERS

VERSUS

**THE SPECIAL LAND ACQUISITION OFFICER KRUSHNA
KHORE VIKAS MAHAMANDAL AURANGABAD AND OTHERS**

...

Mr. N. J. Pahune Patil, Advocate for Applicants.

Mr. S. K. Shirse, AGP for Respondent-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th FEBRUARY, 2024.**

PER COURT:-

1. The applicants seek to condone the delay of 1928 days caused in filing the First Appeal seeking enhancement of compensation against award passed by the Reference Court in L.A.R. No.384/2005 dated 06.02.2014.

2. The learned Advocate appearing for the applicants submits that the applicants are agriculturists. They have lost their lands due to compulsory acquisition in the year 1998. They were granted inadequate compensation by the Land Acquisition Officer. Hence, they have filed a proceeding under Section 18 of the Land Acquisition Act seeking enhancement of compensation. Although they have justified their claims by leading evidence, the Reference Court partly accepted their prayer. However, the award of the Reference Court is also inadequate. Hence, they approached this Court by way of present application.

3. The learned Advocate appearing for the applicants would further invite attention of this Court to the reasons as

stated in paragraph nos.2 to 4 of the application to condone the delay that since the applicants have lost their lands which were only source of livelihood, they could not manage the requisite funds for preferring an appeal.

4. Considering the submissions advanced and reasons stated in the application, case is made out to condone the delay subject to condition that the applicants shall not claim interest for the delayed period and furnish an undertaking to that effect to the Registrar (Judicial) of this Court within a period of eight weeks from today. Hence, following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 1928 days caused in filing the First Appeal is hereby condoned subject to condition that the applicants shall furnish and undertaking before the Registrar (Judicial) of this Court within a period of eight weeks from today to the effect that they shall not claim interest for the delay period, in case their claims for enhancement of compensation is allowed in Appeal.
- c. Appeal be registered.
- d. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE